

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

MARCUS D. EDWARDS

PETITIONER

VS.

CIVIL ACTION NO. 3:19CV211TSL-RHW

VICTOR MASON

RESPONDENT

ORDER

This cause is before the court on the report and recommendation of Magistrate Judge Robert H. Walker entered on April 14, 2020, recommending that Edwards' § 2241 petition be dismissed. Petitioner Marcus Edwards has filed a letter, which the court construes as an objection to the report and recommendation. Having reviewed the objection, the court concludes that it is not well taken and is therefore overruled. Further, having reviewed the report and recommendation, the court concludes that the report and recommendation is well taken and hereby adopts, as its own opinion, the magistrate judge's report and recommendation subject to the following modification: The petition will be dismissed with prejudice as to his failure to state a claim and without prejudice as to any failure to exhaust.

Based on the foregoing, it is ordered that the report and recommendation of United States Magistrate Robert H. Walker entered on April 14, 2020, as modified, be, and the same is hereby, adopted as the finding of this court. Accordingly, it is

ordered that the respondent's motion to dismiss is granted and that the petition is dismissed with prejudice as to his failure to state a claim and without prejudice as to any failure to exhaust.

It is further ordered that a certificate of appealability should not issue. Petitioner has not made a substantial showing of the denial of a constitutional right.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 11th day of May, 2020.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE